

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

December 16, 2002

TITLE: CSP-02-007

Policy Discussion on CSP-02-007, Concept Plan for 416 North Frederick Avenue.

RESPONSIBLE STAFF:

Mark DePoe, Planner

AGENDA ITEM:

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

SUPPORTING BACKGROUND:

The applicant, Paul Newman, of Macris, Hendricks & Glascock, P.A., has submitted a Concept Plan application for 416 N. Frederick Avenue. The subject property is approximately 24,292 square feet and is located at the northwest corner of the intersection of N. Frederick Avenue (Route 355) and Dalamar Street in the Corridor Development (CD) Zone.

The application requests concept plan approval per Section 24-160G.6(c) of the Zoning Ordinance for property zoned CD. The applicant requests to upgrade the façade and to change the use to allow for commercial/retail sales and/or general office use of the existing building and construct associated improvements at 416 N. Frederick Avenue. Accordingly, site modifications are proposed while using the existing access locations from N. Frederick Avenue and Dalamar Street.

The Mayor and City Council approved the comprehensive rezoning (Z-292) for designated properties along the Frederick Avenue corridor, which included the subject property, on June 25, 2001 and the subject property was rezoned to the CD Zone. For applicants seeking to develop, redevelop or improve property zoned CD without an approved schematic development plan shall file for approval of either a concept plan or a SDP pursuant to the procedures of Section 24-160G.6. The City Council shall conduct a public hearing and either approve the concept plan, with or without conditions or require the applicant to file a schematic development plan pursuant to Section 24-160G.5(b).

The Mayor and Council held their public hearing on December 2, 2002 and closed the record as of December 11, 2002. The Mayor and Council directed staff to schedule a policy discussion on December 16, 2002. The Mayor and Council, if they desire, may decide to adopt the resolution as provided or as amended.

Attached:

- Exhibit 1: Aerial Photo
- Exhibit 2: Resolution
- Exhibit 3: Concept Site Plan

DESIRED OUTCOME:

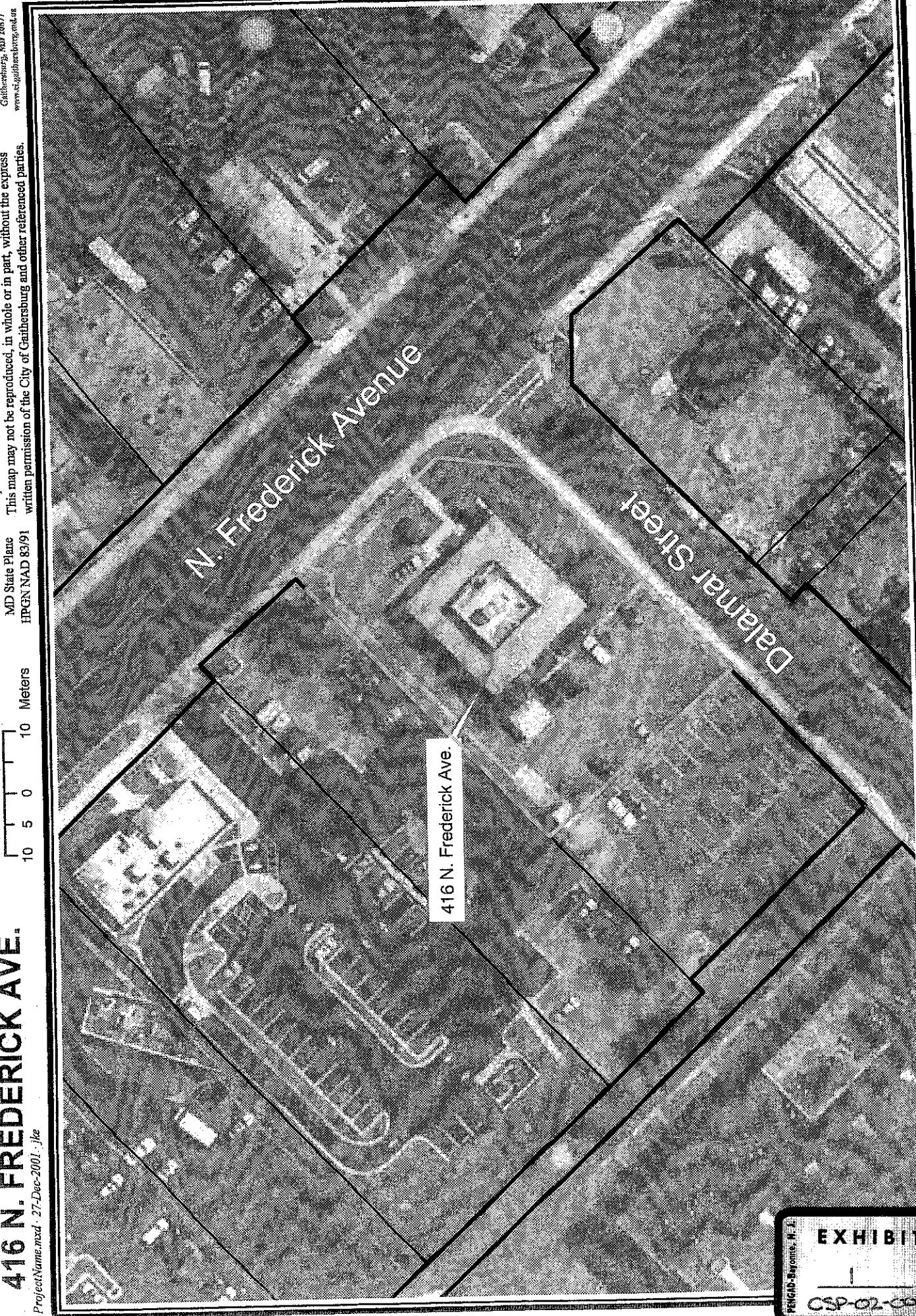
Hold Policy Discussion. If Mayor and City Council Desires, Adopt Resolution for CSP-02-007.

Introduced	
Advertised	11/20/2002
	11/27/2002
Hearing Date	12/02/2002
Record Held Open	12/11/2002
Policy Discussion	12/16/2002

CONCEPT SITE PLAN
CSP-02-007
416 N. FREDERICK AVE.

ProjectName.mxd · 27-Dec-2001 · jke

Aerial Photo ©2001 VARGIS, LLC Herndon VA. All rights reserved.
Property boundaries ©2001 M-NCPPC and City of Gaithersburg.
Aerial Photo acquired March-April 2000.
The City of Gaithersburg makes no warranty, express or implied, for the
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RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND COUNCIL OF GAITHERSBURG
GRANTING CONDITIONAL APPROVAL OF CONCEPTUAL PLAN
CSP-02-007 FOR COMMERCIAL/RETAIL SALES AND/OR
GENERAL OFFICE USE LOCATED IN THE CD ZONE AT
525 SOUTH FREDERICK AVENUE, GAITHERSBURG, MARYLAND.

CSP-02-007

O P I N I O N

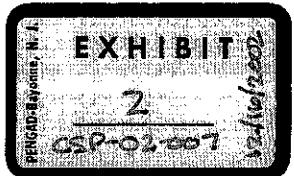
This proceeding constitutes an action pursuant to §24-160G.6 of the Zoning Ordinance (Chapter 24 of the Gaithersburg Code) which permits the Mayor and City Council to review and approve a concept development plan in the CD (Corridor Development) Zone; and further, Sec. §24-160G.7 in which the Mayor and City Council can approve a concept development plan only after certain findings have been made.

The subject property is located at 416 North Frederick Avenue, Gaithersburg, Maryland, in the CD (Corridor Development) Zone.

Operative Facts

The site contains a 4,410 square foot one-story structure, which is located on the center of the site. The site has a one-way access point from Route 355 entering the site and a full movement access point from Dalamar Street. The previous use of the property was for general office use. The property known as 'Parcel A Eckles' Addition to Gaithersburg' containing 37,629 square feet was subdivided into two lots by deed only; therefore, there is no recorded subdivision plat. The subject property contains 24,292 square feet and the remainder of the property is in use as additional parking for the restaurant located across the street at 7 Dalamar Street.

City Staff held a meeting with Paul Newman, of Macris, Hendricks & Glascock, P.A. ("applicant"), and Jim Savitz, of Hirschel, Savitz, Parker & Hollman ("developer") on September 12, 2002. The applicant and developer were informed that the property is zoned Corridor Development (CD), the property is located in the Fairgrounds Commercial District of the Frederick Avenue Corridor Master Plan, and of the change of use proposed on-site and the required concept plan process, per Section 24-160G. The applicant, representing Coldwell Banker Real Estate Holdings, the property owner, subsequently submitted a concept site plan application on October 11, 2002. The application requests approval of a Concept Site Plan (CSP), located at 416 North Frederick Avenue, in Gaithersburg, Maryland. The applicant requests to upgrade the façade and a change of use to allow for commercial/retail sales and/or general office use of the existing building and construct associated improvements at 416 N. Frederick Avenue on approximately 24,292 square feet of land. The subject property is located at the northwest corner of the intersection of N. Frederick Avenue (Route 355) and Dalamar Street in the Corridor



Development (CD) Zone.

A public hearing was held on concept site plan CSP-02-007 on Monday, December 2, 2002 before the Mayor and City Council in the Council Chambers at City Hall. The hearing had been advertised in the *Gaithersburg Gazette* on November 20 and 27, 2002, the required parties given notice, and the property posted per Section 24-196 of the City Code.

Director of Long Range Planning DePoe stated that the public hearing was advertised in the *Gaithersburg Gazette* on November 20 and 27, 2002, and the property posted. Mr. DePoe stated that there are nine exhibits in the record file and introduced the applicant.

Paul Newman, Applicant, Macris, Hendricks & Glascock, P.A., stated the project is located at the northwest corner of Dalamar Street and North Frederick in the Corridor Development Zone. Mr. Newman oriented the City Council with the site and its surrounding businesses. The redevelopment will upgrade the facade and change the use to allow for commercial/retail sales and/or general use of the existing building and construct associated improvements at 416 North Frederick Avenue. He stated that the existing 10-foot sidewalk will be changed to green space to incorporate the Frederick Avenue streetscapes. Also, the existing three-space parking in front will be moved to the back of the building. The two-way drive aisle will be a one-way from Frederick Avenue and the existing two-way access on Dalamar Street will remain the same.

Randy Henderson, DVA Architects, gave a brief presentation and reviewed the architectural design and changes to the structure.

Jim Savitz, Hirshcel, Savitz, Parker & Hollman, P.A., explained that the site was created through an illegal subdivision of the property which created a needed for a re-subdivision and a new site plan. He stated that prospective tenants are office users, but there are also retail/commercial type tenants interested. He stated the plan is to redevelop the structure and create a nice environment for the City and the area.

The Mayor and City Council reviewed the conceptual plan submitted by the applicant. There were no speakers from the public at the hearing. The Mayor and City Council closed the record as of December 11, 2002 and schedule a policy discussion on December 16, 2002.

The Mayor and Council held a policy discussion on December 16, 2002. Planner DePoe stated that there have not been any changes to the plan since the public hearing and that staff has recommended eight (8) conditions of approval for the concept plan CSP-02-007. The conditions of approval address the concerns of the Mayor and City Council from the public hearing and address City staff concerns regarding site requirements. The City Council concurred with the conditions recommended by staff and adopted the resolution approving concept plan CSP-02-007 with the recommended eight (8) conditions on December 16, 2002.

Relevant Statutory Provisions

The following statutory provisions from the City Zoning Ordinance (Chapter 24 of the City Code) are among the provisions, which define the nature of the City Council's review powers for applications in the CD Zone and the extent of the City Council's oversight.

Sec. 24-160G.6. Procedure for application and approval.

Procedure governing an application for the CD Zone and approvals necessary to seek building permits shall be subject to the following process:

- (c) *Applications for concept plan approval or schematic development plan approval only.* Applicants seeking to develop, redevelop or improve property zoned CD without an approved schematic development plan shall file for approval of either a concept plan or a schematic development plan pursuant to the procedures hereinafter provided.
 - (1) *Concept plan approval only.*
 - (a) An applicant shall file together with the prescribed application fee a concept plan, scaled at one-inch equals fifty (50) feet, and shall contain the information and items described in the concept plan checklist established by the City Manager or his/her designee.
 - (b) The concept plan shall be subject to the same public hearing notification procedures as required for local map amendments.
 - (c) The City Council shall conduct a public hearing and either approve the concept plan, with or without conditions or require the applicant to file a schematic development plan pursuant to Section 24-160G.5(b) of this chapter.
 - (d) Should the City Council approve the concept plan the applicant shall thereafter submit an application for final site plan approval directly to the City Planning Commission.
 - (e) The City Council decision shall be in the form of a written opinion and resolution.

Sec. 24-160G.7. Findings required.

- * * *
- (b) The City Council may approve a schematic development plan or concept plan only upon the finding that:

- (1) The plan is substantially in accord with architectural, signage, lighting, streetscape, parking and other regulations, requirements and guidelines adopted by the City Council for the applicable corridor area.
- (2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone; and
- (3) The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration; and
- (4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the CD zoned area and adjacent areas; and
- (5) The existing or planned public facilities are adequate to service the proposed development contained in the plan; and
- (6) The development staging or phasing program if any, is adequate in relation to the provision of public facilities and private amenities to service the proposed development; and
- (7) The plan, if approved, would be in the public interest.
- (8) The existing buildings with historic significance are considered for preservation and retention pursuant to the City's Historic Preservation Ordinance.

Evaluation of Arguments, Evidence, and Findings

The City Council reviewed the evidence of record in this case, which included the application, concept plan, staff report, related excerpts from the Frederick Avenue Corridor Plan, and public hearing testimony.

The City Council has reviewed Conceptual Plan CSP-02-007 per Section 24-160G.7 to determine whether or not the proposed commercial use is permissible. The City Council finds that:

1. The plan meets and accomplishes the purposes, objectives and minimum standards and requirement of the zone. The CD Zone encourages renovation of declining or underutilized properties along the corridor. The property contains an uninhabited building and the proposed plan is for the renovation of the structure to allow for commercial/retail sales and/or general office uses to further enable the building to be occupied; and
2. The plan will be internally and externally compatible and harmonious with the existing land uses in the CD zoned area and adjacent areas in terms of nature and density of use. The master plan recommends commercial-office

uses and the property currently abuts commercial and office uses; and

3. The property will provide for one access point to MD Route 355 and parking to the rear of the site. The existing or planned public facilities are adequate to service the proposed development contained in the plan;
4. The plan is in the public interest due to the fact that the site will provide for less impervious area and the property is currently vacant.

Conclusion

Upon consideration of all the evidence pertaining to Concept Plan CSP-02-007, the City Council concludes that the applicant meets the requirements of the CD Zone and the Frederick Avenue Corridor Plan.

R E S O L U T I O N

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Gaithersburg, on the 16th day of December, 2002, that the Concept Plan CSP-02-007 is hereby approved pursuant to Section 24-160G subject to the following conditions:

1. The applicant is required to obtain approval and an access permit from the State Highway Administration for the one-way access to the site along Route 355.
2. Neon signage, strings of lights (except approved holiday decorations) or pennants facing any exterior area is prohibited.
3. The display or storage of any material and merchandise outside the building and/or in any yard is prohibited.
4. All vehicles shall be parked in the rear parking lot. No vehicles associated with the business (including, but not limited to, commercial vehicles, customer vehicles, owner and employee vehicles) shall be permitted to be parked in the front or side yards.
5. Provide additional landscaping throughout the site and provide frontage improvements as recommended in the CD Zone and the Frederick Avenue Corridor Plan to be approved by Staff and the Planning Commission.
6. Provide a record plat to be reviewed and approved by the City Planning Commission and recorded in the land records of Montgomery County.
7. Stormwater Management for the site must be provided in accordance with the most recent MDE SWM Design Manual. The City of Gaithersburg Department of Public Works Parks Maintenance and

Engineering (PWPME) must approve the location of the SWM facilities, if required.

8. Final elevations and signage to be reviewed and approved by the Planning Commission and Staff.

ADOPTED, by the City Council of the City of Gaithersburg, on the 16th day of December, 2002. Councilmembers Alster, Edens, Maraffa, Schlichting, and Somerset being present and voting in favor of the action.

Sidney A. Katz, Mayor
President, City Council

THIS IS TO CERTIFY that the foregoing resolution was adopted by the City of Gaithersburg City Council in a public meeting assembled on the 16th day of December, 2002.

David B. Humpton
City Manager

GENERAL NOTES

1. THE TOPOGRAPHY IS FROM AN AERIAL TOPOGRAPHIC SURVEY PREPARED BY POTOMAC AERIAL SURVEYS, LTD. AND PLATTED AND RECORDED BY A FIELD SURVEY TEAM.
2. BEGINNING ANY SITE DISTURBANCE, AT 1-800-257-7777, 48 HOURS PRIOR TO.
3. INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION OF EXISTING TUBES BY DRILLING, TRENCHING, AND EXCAVATION. UTILITY CROSSINGS WILL BE ADVISED IN A NEARBY OFFICE.
4. SHOULD THE CONTRACTOR DISCOVER DISCRENCIES BETWEEN THIS PLAN AND FIELD CONDITIONS, THIS OFFICE SHALL NOTIFY THE CONTRACTOR IMMEDIATELY TO DESCRIBE THE CHANGES AND ASK FOR ALLOWANCE FOR THOSE CHANGES.
5. BITUMINOUS PAVING AND CONCRETE FOR CURBS, WALKS, AND RAMPS SHALL BE COORDINATED WITH THE LATEST EDITION OF THE MARYLAND STATE HIGHWAY ADMINISTRATION (MSHA) SPECIFICATIONS.
6. ALL CURB RADII TO BE 5' UNLESS OTHERWISE NOTED.
7. CURB AND GUTTER SHALL BE MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION (MDOT) STANDARD NO. 1000.
8. WHEN TILING INTO EXISTING PAVING, TEAR PAVING EDGE TO PROVIDE POSITIVE DRAINAGE OF ALL AREAS GRADED OR DISTURBED BY THIS CONSTRUCTION. MAXIMUM SLOPE ON THE BANKS IS 2%.
9. STORM DRAIN SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITION OF THE MARYLAND STATE HIGHWAY ADMINISTRATION (MSHA) SPECIFICATIONS.
10. FINISHED GRADES REFER TO THE TOP OF SOIL, TOPSOIL, PAVING, OR WAVERS. ALLOW FOR THICKNESS AS APPROPRIATE.
11. SLOPE, SMOOTHLY BETWEEN INDICATED ELEVATIONS TO PROVIDE POSITIVE DRAINAGE OF ALL AREAS GRADED OR DISTURBED BY THIS CONSTRUCTION. MAXIMUM SLOPE ON THE BANKS IS 2%.
12. HANDICAP PARKING ACCESS, HANDRAILS AND RAILINGS FOR THE DISABLED SHALL CONFORM TO THE AMERICANS WITH DISABILITIES ACT (ADA) REQUIREMENTS.
13. CURBS, CANTERS, SPERNS, AND ALL PAVING SHALL BE INSTALLED IN SUCH A MANNER AS TO PROVIDE POSITIVE DRAINAGE AND TO PREVENT PONDING OF SURFACE WATER.
14. EXISTING PARKING AREA TO BE SEALCOATED PRIOR TO APPLICATION OF NEW PAVER MATERIAL.

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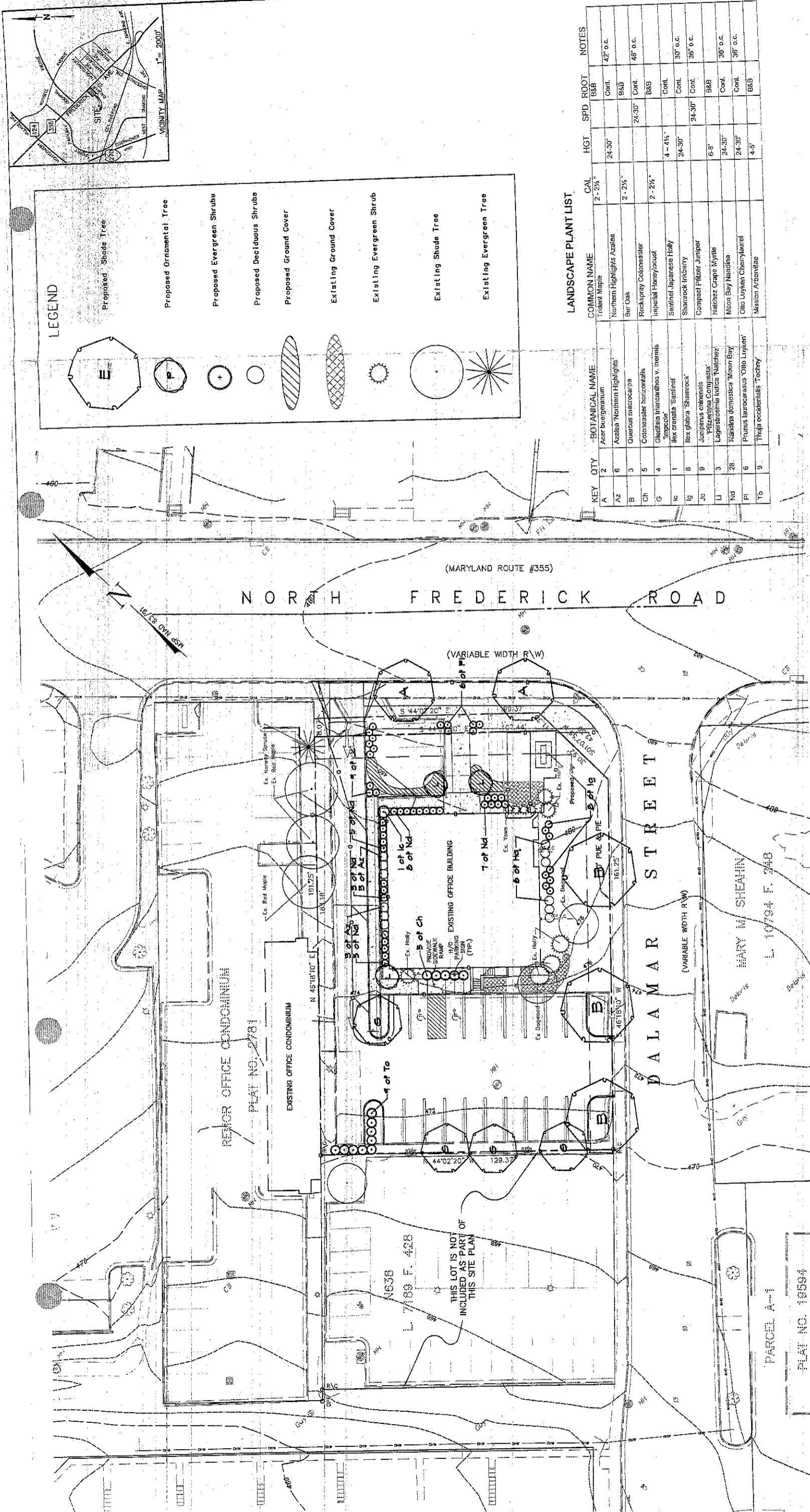
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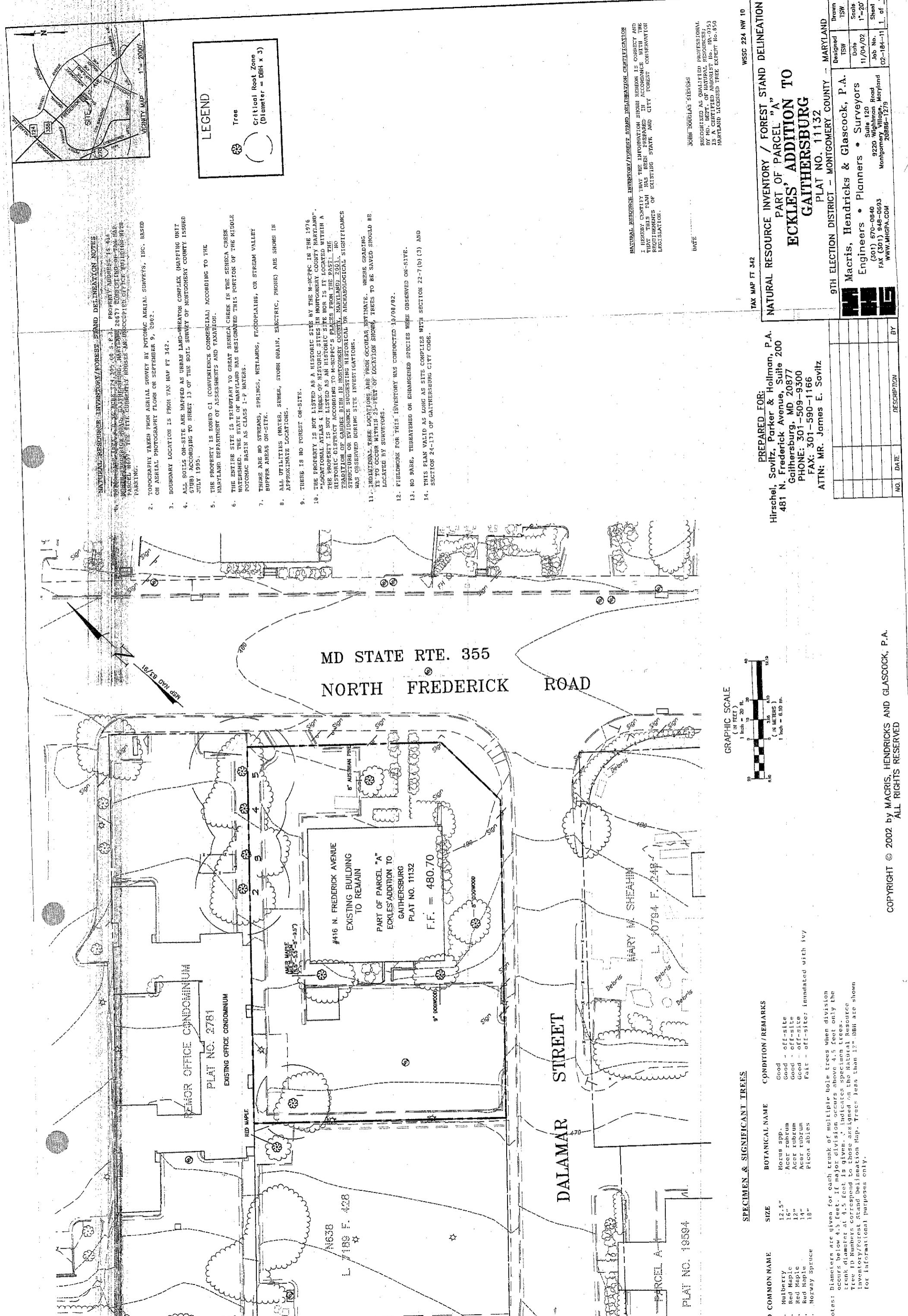
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CITY OF GAITHERSBURG PLANNING COMMISSION		DEPARTMENT OF PUBLIC WORKS AND ENGINEERING
31 SOUTH SUMMIT AVENUE, GAITHERSBURG, MARYLAND 20877		FINAL APPROVAL:
		Date _____ By _____
<h1>CONCEPT PLAN APPROVAL</h1> <p>AT THE REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION HELD ON _____ APPLICATION NO. _____</p> <p>WAS GRANTED</p>		
<p>BY _____</p> <p>ANY REVISIONS TO SIGNED PLANS MUST BE APPROVED BY THE PLANNING COMMISSION</p> <p>NOTE: DATE _____</p>		



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